ARBER & BANKER, LLC attorneys at law azi 'n' street, suite 103 anchorage, alaska 89601 PHONE, 800) 278-6958 FAX: (807) 278-6917

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA FIRST JUDICIAL DISTRICT AT SITKA

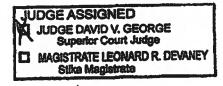
LOWELL FORD,	
Plaintiff,	State of Alesia First District Office
) VS.	JUL 00 2013
)	Clerk of the Trial Courts.
NATIONAL CASUALTY COMPANY) and HARTFORD CASUALTY)	By Denuty
INSURANCE COMPANY,	
Defendants.)	Case No. 151-13-128 CI

COMPLAINT

COMES NOW the plaintiff, by and through his attorneys, Barber & Banker, LLC, and for his complaint against defendants NATIONAL CASUALTY COMPANY and HARTFORD CASUALTY INSURANCE COMPANY does state and allege as follows:

- At all times material hereto, plaintiff was and is a resident in the First Judicial District in Alaska.
- 2. At all times material hereto, defendants were and are insurance companies doing business in the state of Alaska subject to the jurisdiction of this court.

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- 3. On or about 9/21/09, the defendants insured a 2008 Subaru, VIN
 JF1SG66658H711134, owned by Alaska Rent A Car d/b/a Avis Rent A Car.
- 4. On or about 9/21/09, Stephen Horsman negligently and/or recklessly operated the 2008 Subaru, VIN JF1SG66658H711134, in Sitka, Alaska, colliding with a vehicle occupied by the plaintiff and thereby causing injury to the plaintiff.
- 5. Stephen Horsman had not stolen the 2008 Subaru in the 9/21/09 collision.
 - 6. Stephen Horsman had implied permission to use the 2008 Subaru.
- 7. The defendants are liable for the actions of their employees and/or agents pursuant to the doctrines of vicarious liability and/or agency and/or respondent superior.
- 8. On information and belief, the defendants made representations that their insurance coverage would ensure that the 2008 Subaru, VIN JF1SG66658H711134, was in compliance with mandatory minimum liability insurance coverage in Alaska.
- 9. The insurance coverage sold by defendants for the 2008 Subaru, VIN JF1SG66658H711134 was expected by owners and/or users of the vehicle to meet the mandatory minimum liability coverage for the State of Alaska.
- 10. The defendants received notice of the plaintiff's liability bodily injury claim against Stephen Horsman.

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- 11. The defendants denied liability bodily injury coverage for Stephen Horaman in the 9/21/09 collision.
- The defendants denied defense of plaintiff's liability claims against
 Stephen Horsman.
- 13. The plaintiff obtained a judgment against Stephen Horsman for bodily injury caused by the 9/21/09 collision which was distributed on July 7, 2010.
- 14. The plaintiff is a third-party beneficiary of the benefits denied by the defendants to Stephen Horsman.
- 15. The plaintiff is entitled to pursue Stephen Horsman's claims against the defendants pursuant to judicial assignment and/or writ of execution and/or as third-party beneficiary and/or other equitable doctrines.
- 16. The defendants unreasonably denied coverages for the 9/21/09 collision.
 - 17. The defendants are liable for breach of contract.
- 18. The defendant are liable for breach of the covenant of good faith and fair dealing.
- 19. The defendants are liable for punitive and/or exemplary damages for conduct evidencing reckless disregard to the interests of others and/or outrageous conduct.

WHEREFORE, having fully pled the plaintiff's complaint, the plaintiff request a judgment against the defendants for an amount greater than \$100,000.00 (ONE

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DATED at Anchorage, Alaska this ______ day of July, 2013.

BARBER & BANKER, LLC Attorneys for Plaintiff

Jeffrey Barber ABA No. 0111058

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